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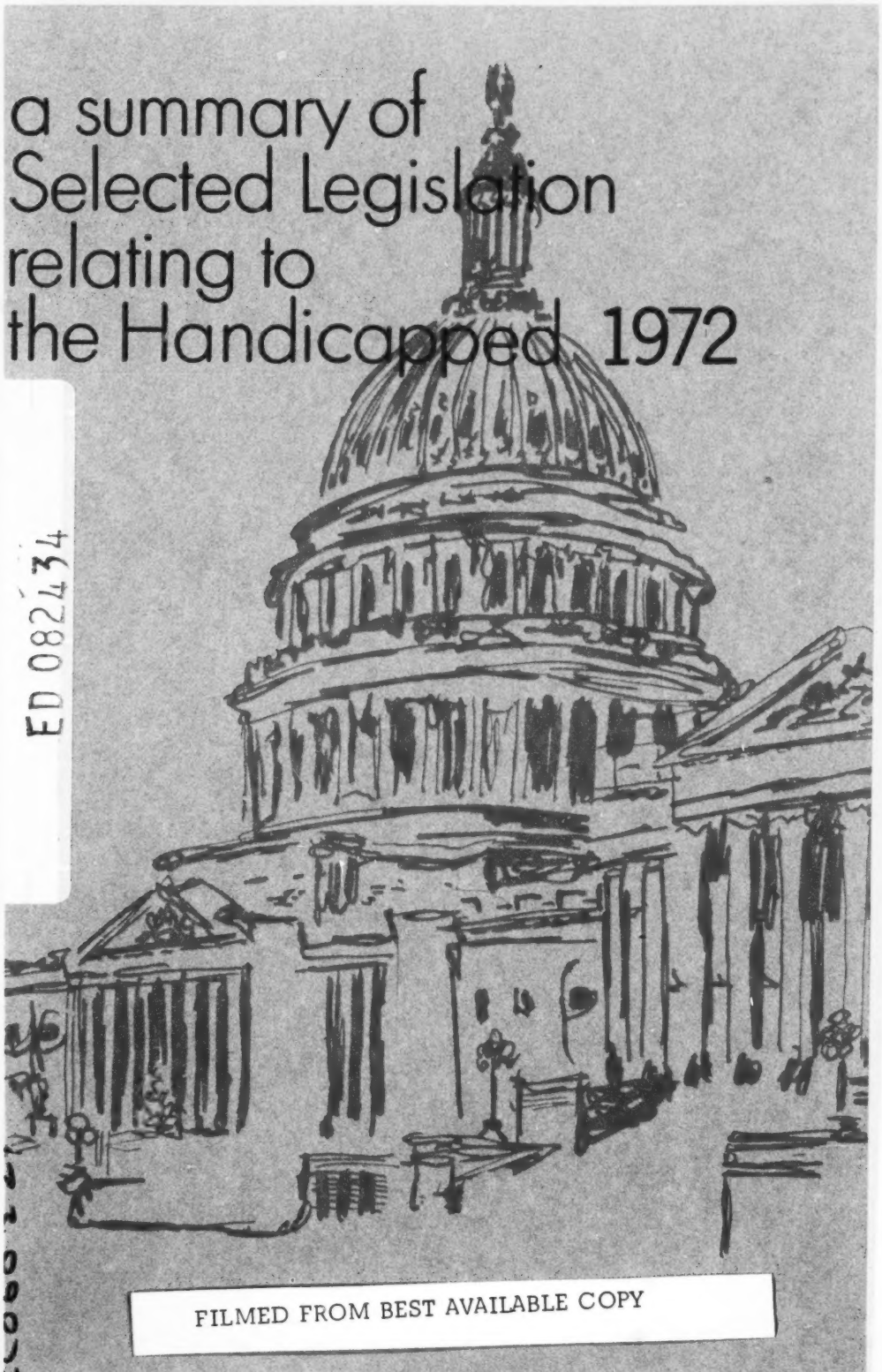
ABSTRACT

Summarized are 11 legislative acts benefiting the handicapped and enacted by the 92nd Congress (1971-1972). Given for each act is the title, public law number, and a summary of the law's general scope. Listed as major legislation benefiting the handicapped are the Social Security Amendments of 1972, the Intermediate Care Amendments of 1971, the Wagner-O'Day Amendments, and the Economic Opportunity Amendments of 1972. Also summarized is other legislation benefiting the handicapped including the Military Medical Benefits Amendments, the Revenue Act of 1971, the Education Amendments of 1972, the Social Security Benefit Increase, the Maternal and Child Health Amendments, the Rights of the Blind and Other Physically Handicapped Persons in the District of Columbia act, and the bill establishing the National Advisory Commission on Multiple Sclerosis. Appended are a chart detailing the legislative history of the 11 laws and cross references to original legislative acts of amendment bills. (DB)

a summary of Selected Legislation relating to the Handicapped 1972



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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Caspar Weinberger, Secretary

Acting Assistant Secretary for Human Development
Mr. Stanley B. Thomas

Washington, D.C. 20201

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INTRODUCTION

This booklet contains brief summaries of handicapped persons legislation enacted by the 92nd Congress. It is a widely disseminated document designed to help program planners, students and interested citizens gain insight into the outputs of Federal policy formulation. These "outputs" take the form of categorical programs with varied objectives benefiting the handicapped persons. The programs are administered by the U.S. Department of Health, Education and Welfare.

The booklet is divided into two sections. The first contains exposition summarizing "Major Legislation Benefiting the Handicapped." The second contains expositions relating to "Other Legislation Benefiting the Handicapped." The HEW Office of Mental Retardation Coordination has previously published three summaries of legislation for the periods 1963-1967, 1968, and 1971.[1] In many instances, legislation reviewed herein amends or closely relates to legislation summarized in these previous publications.

In February 1973, the National Association of Coordinators of State Programs for the Mentally Retarded, Inc. published *92nd Congress: Federal Legislation Affecting the Mentally Retarded and Other Handicapped Persons.*[2] That publication is considerably broader in scope than this booklet. The Association publication reviews bills enacted by the 92nd Congress and bills considered, but not enacted. It also contains sections relating to legislative-executive relations, the failure of welfare reform, and it previews challenges facing the 93rd Congress. The section relating to 92nd Congress enactments was used extensively in the preparation of the review herein presented. The Office of Mental Retardation Coordination wishes to express its appreciation to the Association for their cooperation.

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[1] These booklets are available from the Office of Mental Retardation Coordination, DHEW, Washington, D.C. 20201.

[2] Available from the Association Headquarters, 2001 Jefferson Davis Highway, Suite 802, Arlington, Virginia 22203, Price: $2.50.

CONTENTS

	Page
Introduction	iii
Part I. Major Legislation Benefiting the Handicapped	1
1. Social Security Amendments of 1972 (P.L. 92-603)	1
2. Intermediate Care Amendments of 1971 (P.L. 92-223)	3
3. Wagner-O'Day Amendments (P.L. 92-28)	4
4. Economic Opportunity Amendments of 1972 (P.L. 92-424)	4
Part II. Other Legislation Benefiting the Handicapped	5
1. Military Medical Benefits Amendments (P.L. 92-58)	5
2. Revenue Act of 1971 (P.L. 92-178)	5
3. Education Amendments of 1972 (P.L. 92-318)	5
4. Social Security Benefit Increase (P.L. 92-336)	6
5. Maternal and Child Health Amendments (P.L. 92-345)	6
6. Rights of the Blind and Other Physically Handicapped Persons in the District of Columbia (P.L. 92-515)	6
7. National Advisory Commission on Multiple Sclerosis Act (P.L. 92-563)	6

PART I. MAJOR LEGISLATION BENEFITING THE HANDICAPPED

1. Social Security Amendments of 1972 (P.L. 92-603)

General Scope: The 92nd Congress did not reach agreement on welfare reform. Social welfare legislation, however, containing a number of important provisions for handicapped persons was enacted. These provisions relate to increasing childhood disability benefits and trust fund expenditures for rehabilitation services, expanding Medicaid-Medicare, Intermediate Care and Child Welfare benefits, and federalizing administration of public welfare cash assistance programs. This omnibus legislation was signed into law by President Nixon on October 30, 1972.

P.L. 92-603 adopted a definition of "disability" to refer to an "inability to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment which can be expected to last for a continuous period of not less than 12 months (or in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)." Childhood disability benefits will now be paid to the disabled child of a disabled, deceased or retired worker if the disability begins before age 22, instead of age 18 as previously specified. Waiting period time to collect disability benefits is reduced from six to five months. The existing test for disability insurance benefits for the blind is eliminated, benefits now being paid to these persons if they are fully insured. Social security (and childhood disability) recipients may now earn $2,100 annually without a loss in benefits instead of $1,600. Income above $2,100 will be proportionally reduced by $1 for each $2 of earnings. P.L. 92-603 authorizes an increase from 1¼ to 1½ in the percentage trust fund expenditures that may be used to pay for costs of rehabilitating social security disability beneficiaries. All disabled and blind social security recipients will be referred to the State vocational rehabilitation agency.

The 1972 Amendments also delete the requirement that States expend at least as much for public institutional care of the aged mentally ill as they did in FY 1965. Individuals residing in public institutions will continue to be ineligible to receive cash public assistance payments. Patients in a medical institution qualifying for Medicaid will, however, receive a monthly personal expense allotment of $25. States are authorized to continue receiving 75 percent Federal matching social service funds, subject to limitations set forth in Title III of the State and Local Fiscal Assistance Act summarized below.

Medicare coverage is extended to an estimated 1.7 million social security disability beneficiaries, including approximately 179,000 mentally retarded persons. Coverage begins after the recipient has received regular disability payments for 24 months. The 1972 Amendments authorize the formation of "local professional standards review organizations." Membership shall consist of practicing physicians who assume responsibility for comprehensive review of services, including institutional services, rendered under Medicaid and Medicare. P.L. 92-603 authorizes, effective July 1, 1973, a one-third reduction in Federal matching payments for long-term stays in mental hospitals, intermediate care facilities, nursing homes and hospitals if States do not effectively conduct program reviews for Medicaid services. Coverage is also authorized for inpatient care in mental institutions for children under 21 eligible for Medicaid. Children must, however, be involved in an active treatment program in an accredited institution and the State must maintain at least its present level of fiscal expenditures for the care of mentally ill children.

The 1972 Amendments authorize Federal matching payments for intermediate care services in States which did not have a Medicaid program in operation on January 1, 1972. The base period for determining non-Federal maintenance of effort in public mental retardation institutions will be the four quarters immediately preceding the quarter in which the State made services available. States providing skilled nursing and hospital services to persons age 65 and over in mental hospitals must furnish intermediate care services, effective December 31, 1972. Independent professional review of appropriate placement and care of patients in intermediate care facilities is required. States are required to inform adults in families receiving Aid to Families with Dependent Children (AFDC) of the availability of child health screening services, and to provide or arrange for such services. Children determined to suffer from illness or impairment must be referred for corrective treatment. P.L. 92-603 also increases annual authorization for the Federal share in child welfare services. Authorizations specified are $196 million for FY 1973 with an increase each FY until 1975 at which time the authorization will be $266 million each Fiscal Year.

The 1972 Amendments supplant existing State administered programs for Old Age Assistance (Title I), Aid to the Blind (Title X), and Aid to the Permanently and Totally Disabled (Title XIV). Legislative provisions combine these programs into a single, Federally financed and administered program of cash assistance to those target populations to become effective January 1, 1974. Single recipients are guaranteed an income of $130 per month, couples, $195 per month. Uniform standards are established for determining cash assistance eligibility. Generally, eligibility criteria are $1,500 for an individual and $2,250 for a couple. Personal effects and property with a total face value less than $1,500 are excluded from the eligibility criteria. Substantially handicapped children from a poor family qualify for higher benefits than those available to non-handicapped children. No recipient, however, under the new public assistance program will be eligible for food stamps or surplus commodities.

2. Intermediate Care Amendments of 1971 (P.L. 92-223)

General Scope: P.L. 92-223 was signed into law by President Nixon on December 28, 1971. Section 4(a)(1) transfers authority for funding intermediate care facilities (ICF) from Title XI of the Social Security Act to Title XIX, Medicaid. The definition of "ICF" was revised to refer to a facility designed for (1) persons with health conditions requiring care beyond residential or boarding home care, and (2) persons who would require placement in a skilled nursing home or mental hospital in the absence of ICF's. The transfer to Title XIX extends ICF benefits to medically indigent persons in States which include coverage for such individuals in their Medicaid plan. Coverage is also extended to children (from birth through 18) in those States which elect to extend services to all eligible children under their Medicaid plan.

P.L. 92-223 also permits public mental retardation institutions to qualify as ICF's providing that:

1. The primary purpose of the institution is to provide health and rehabilitative services to the mentally retarded. (A portion of the institution may be designated as an ICF);

2. Institutional residents participating in the program are receiving "active treatment";

3. Standards prescribed by the HEW Secretary are met, and that;

4. There is no reduction of State-local support for the program.

Independent professional review of ICF's is mandatory in each State. Review must include a medical evaluation of each ICF patient's needs, a written service plan and assurances that the ICF provides a "minimum" level of health services as prescribed by the Secretary. The Review

Teams are to be composed of physicians, nurses, and other health and social service personnel. Each Review Team must report its findings to the State agency administering Medicaid. Review criteria is related to quality of care, desirability of continued ICF placement, and the feasibility of meeting health care needs through alternative services.

3. Wagner-O'Day Amendments (P.L. 92-28)

General Scope: P.L. 92-28 extends bidding preferences on government contracts to workshops for the severely handicapped. Previously, preferences were limited to workshops for the blind. The term "severely handicapped" is defined as:

> *"an individual or class of individuals under a physical or mental disability, other than blindness, which ... constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment."*

The Wagner-O'Day Amendments establishes a 14-member "Committee for Purchases of Products and Services of the Blind and Severely Handicapped." This committee consists of representatives of 11 Federal agencies and three public members. Among its functions are to select and publish a list of products and services which can be produced or provided by workshops and to determine the fair market price of such commodities. The committee is also empowered to make rules and regulations and designate a central non-profit agency(s) to facilitate distribution of government contract work among qualified workshops. Preference must be given to workshops for the blind, however, through December 31, 1976.

4. Economic Opportunity Amendments of 1972 (P.L. 92-424)

General Scope: P.L. 92-424 extends the Economic Opportunity Act for three years. Section 3(b)(2) of the Act directs the Secretary of HEW to establish policies and procedures designed to assure that "not less than 10 percent of the total number of enrollment opportunities in the nation in the Headstart program shall be available for handicapped children." "Handicapped" is defined in P.L. 92-424 according to provisions in P.L. 91-230, The Education of the Handicapped Act, Section 602. Precise data on the number of handicapped children served prior to earmarking is unavailable. This number is thought, however, to be considerably less than 10 percent of enrollment opportunities. The HEW Secretary is charged with reporting to Congress on the status of handicapped children in Headstart within six months of the enactment. Therefore, annual Secretarial reports are required.

PART II. OTHER LEGISLATION BENEFITING THE HANDICAPPED

1. Military Medical Benefits Amendments (P.L. 92-58)

General Scope: P.L. 92-58 expands the scope of the Department of Defense's CHAMPUS program (Civilian Health and Medical Program of the Uniformed Services). Mentally retarded and physically handicapped dependents of service personnel were extended eligibility in 1966 under P.L. 89-614, the Military Medical Benefit Amendment of 1966. P.L. 92-58 expands the broad health and educational benefits to handicapped dependents of military personnel killed in hostile fire zones.

2. Revenue Act of 1971 (P.L. 92-178)

P.L. 92-178 reduces the levels of certain excise taxes and individual income taxes. The legislation also authorizes Federal income tax deductions for domestic help and child care expenses. These expenses must be required to enable a taxpayer to support a child under age 15, or a disabled dependent of any age.

3. Education Amendments of 1972 (P.L. 92-318)

P.L. 92-318 is an omnibus enactment extending and amending programs authorized under several Federal educational statutes. The Act creates a National Institute of Education (NIE). NIE's functions include building an effective educational research and demonstration system to strengthen the scientific and technological foundations of education. Dissemination functions are also to be an important NIE priority. Research and demonstration responsibilities formerly administered by several U.S. Office of Education sub-units have been transferred to NIE. This transfer includes elements of the Bureau of Education for the Handicapped's research program.

4. Social Security Benefit Increase (P.L. 92-336)

General Scope: P.L. 92-336 provides a 20 percent across-the-board increase in social security benefits. The increase affects approximately 179,000 mentally retarded adults receiving Childhood Disability Payments. Cost of living adjustments are also authorized.

5. Maternal and Child Health Amendments (P.L. 92-345)

General Scope: P.L. 92-345 amends Title V of the Social Security Act in extending for one additional year authority for maternal and child health project grants.

6. Rights of the Blind and Other Physically Handicapped Persons in the District of Columbia (P.L. 92-515)

The intent of P.L. 92-515 is expressly stated "to enable the blind and otherwise physically disabled to participate fully in the social and economic life of the District of Columbia." The term "blind" refers to a person who is totally blind, has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200. "Blind" also is defined in Section 8 of the Act to refer to a person who has a visual loss, impairment or other factor affecting the usefulness of vision. The term "otherwise physically disabled" refers to an individual who has a medically determinable physical impairment (other than blindness) which interferes with his ability to move about, to assist himself, or to engage in an occupation. The Act makes it illegal to discriminate against the blind and other physically handicapped persons with respect to:

1. Equal access to public places;
2. Equal access to public accommodations and conveyances;
3. Safety standards for drivers of motor vehicles;
4. Non-discriminatory employment practices; and
5. Equal access to housing.

Section six provides that a penalty may be imposed for violations. The penalty shall be imprisonment for not longer than 90 days and/or a fine of not more than $300.

7. National Advisory Commission on Multiple Sclerosis Act (P.L. 92-563)

P.L. 92-563 directs the Secretary of HEW to appoint a national advisory commission to determine the most effective means of finding

the cause and cure of multiple sclerosis. Advisory Commission members shall include four present members of the Advisory Council to the National Institute on Neurological Diseases and Stroke and five other individuals "particularly qualified" to participate in the work of the Commission.

APPENDIX A

Legislative History of Laws Relating to the Handicapped 1971-72

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
1. Social Security Amendments of 1972	H.R. 1	June 22 1971	WM	F	May 26 1971	Sept. 26 1972	92-231	92-1230	Oct. 17 1972	Oct. 5 1972	Oct. 30 1972	92-603
2. Intermediate Care Amendments of 1971	H.R. 10604	Sept. 13 1971	WM	F	Oct. 27 1971	Dec. 3 1971	92-590	92-552	Nov. 17 1971	Dec. 4 1971	Dec. 28 1971	92-223
3. Wagner-O'Day Amendments	S. 557 (H.R. 8011)	Feb. 3 1971	GO	LPW	Mar. 29 1971	Mar. 23 1971		91-41	June 7 1971	June 9 1971	June 23 1971	92-28
4. Economic Opportunity Amendments of 1972	H.R. 12350 (S. 3010)	Dec. 16 1971	EdL	LPW	Feb. 2 1972		92-815	92-987	Feb. 17 1972	June 29 1972	Sept. 19 1972	92-424
5. Military Medical Benefits Amendments	S. 421	Jan. 28 1971	AS	AS	July 13 1971	Apr. 30 1971	92-351	92-92	July 19 1971	May 4 1971	July 29 1971	92-58
6. Revenue Act of 1971	H.R. 10947	Sept. 29 1971	SM	F	Sept. 29 1971	Nov. 9 1971	92-533	92-437	Oct. 6 1971	Nov. 22 1971	Dec. 10 1971	92-178
7. Education Amendments of 1972	S. 659 (H.R. 7248)	Feb. 8 1971	EdL	LPW	Sept. 8 1971	Feb. 7 1972	92-1085	92-604	Nov. 5 1971	Mar. 1 1972	June 23 1972	92-318
8. Social Security Benefit Increase	H.R. 15390	June 8 1972	WM		June 14 1972		92-1128	92-1215	June 27 1972	June 30 1972	July 1 1972	92-336
9. Maternal and Child Health Amendments	H.R. 9410	June 24 1971	WM		June 15 1972		92-1143		June 30 1972	June 30 1972	July 10 1972	92-345
10. Rights of the Blind and Other Physically Handicapped in D.C.	H.R. 11032	Sept. 30 1971	DC	DC	April 19 1972	Sept. 28 1972	92-1005	92-1238	Apr. 24 1972	Sept. 30 1972	Oct. 21 1972	92-515
11. National Advisory Commission on Multiple Sclerosis Act	H.R. 15475	June 13 1972	IFC		June 27 1972	Sept. 27 1972	92-1185	92-1604	Aug. 1 1972	Sept. 27 1972	Oct. 25 1972	92-563

Note: The bills in parentheses are companion measures.

TABLE OF COMMITTEE ABBREVIATIONS

AS	Armed Services	F	Finance	WM	Ways and Means
DC	District of Columbia	GO	Government Operations		
EdL	Education and Labor	LPW	Labor and Public Welfare		

APPENDIX B

Cross-References to Legislation in 1963-67, 1968, and 1971 Summaries Amended by or Related to Laws Reviewed in 1971-72 Summary

1971-72 Law	Amended or Related Law	1963-67 Summary Page #	1968 Summary Page #	1971 Summary Page #
1. Social Security Amendments of 1972 (P.L. 92-603)	Social Security Amendments	1, 9, 10, 13, 23	–	1
2. Intermediate Care Amendments of 1971 (P.L. 92-223)	Social Security Amendments	1, 9, 10, 13, 23	–	1
3. Military Medical Benefits Amendments (P.L. 92-58)	Military Medical Benefits Amendments of 1966	22	–	5
4. Education Amendments of 1972 (P.L. 92-318)	Elementary and Secondary Education Act	3, 24, 25, 30	–	5
5. Social Security Benefit Increase (P.L. 92-336)	Social Security Amendments	1, 9, 10 13, 23	–	6
6. Maternal and Child Health Amendments (P.L. 92-345)	Maternal and Child Health and Mental Retardation Planning Amendments of 1963	7	–	6